

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

COMPASS BANK, AS SUCCESSOR  
IN INTEREST TO THE LAREDO  
NATIONAL BANK,  
Plaintiff

v.

WALTER C. KELLER  
DISTRIBUTOR, INC AND  
TOM YATES PETROLEUM CO, INC.,  
Defendants,

WALTER C. KELLER  
DISTRIBUTOR, INC AND  
TOM YATES PETROLEUM CO, INC.,  
Third-Party Defendants,

v.

EXXON MOBIL CORPORATION,  
FLAT ROCK LAND, L.L.C.,  
BENJAMIN M. ALEXANDER,  
MAUREEN M. ALEXANDER, M.D.,  
ROSALIND M. ALEXANDER,  
CENTROL LAREDO, LTD.,  
GAIL A. DAVIS, GML CENTRO, LLC,  
JESSMAN PROPERTIES, LTD,  
LOUISE A. MANDEL F/K/A  
LOUISE WEINFELD, AS TRUSTEE FOR  
ALAN AND ADRIANNA WEINFELD,  
PHYLLIS A. TERRY,  
GREYHOUND LINES, INC.,  
PETER RANDOLPH PROPERTIES, LLC,  
SLAUGHTER REALTY COMPANY,  
JOSEPH SLAUGHTER, III,  
AMERICANOS USA, LLC,  
RAUL PROPERTIES, LTD, VICTORIA  
INVESTMENT PROPERTIES, INC.,  
ARCHANGELOS, INC., CITY OF LAREDO,  
RAMIRO RAMIREZ, III & IRMA RAMIREZ,  
and H. E. BUTT GROCERY COMPANY  
Third-Party Defendants

CIVIL ACTION NO. 5-08-CV-68

**RULE 26(A)(1) INITIAL DISCLOSURES OF THIRD-PARTY DEFENDANTS,  
BENJAMIN M. ALEXANDER, MAUREEN M. ALEXANDER, M.D., ROSALIND M.  
ALEXANDER, CENTRO LAREDO, LTD., GAIL A. DAVIS, GML CENTRO, LLC,  
JESSMAN PROPERTIES, LTD., LOUISE A. MANDEL F/K/A LOUISE WEINFELD, AS  
TRUSTEE FOR ALAN AND ADRIANA WEINFELD, AND PHYLLIS A. TERRY**

Pursuant to the Federal Rules of Civil Procedure 26(a)(1)(A), Third-Party Defendants, BENJAMIN M. ALEXANDER, MAUREEN M. ALEXANDER, M.D., ROSALIND M. ALEXANDER, CENTRO LAREDO, LTD., GAIL A. DAVIS, GML CENTRO, LLC, JESSMAN PROPERTIES, LTD., LOUISE A. MANDEL F/K/A LOUISE WEINFELD, AS TRUSTEE FOR ALAN AND ADRIANA WEINFELD, AND PHYLLIS A. TERRY, hereby provide the following initial disclosures.

Respectfully submitted,

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ALEXANDER, CENTRO LAREDO, LTD., GAIL A.  
DAVIS, GML CENTRO, LLC, JESSMAN PROPERTIES,  
LTD., LOUISE A. MANDEL F/K/A LOUISE  
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WEINFELD, AND PHYLLIS A. TERRY  
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CENTRO, LLC, JESSMAN PROPERTIES, LTD.,  
LOUISE A. MANDEL F/K/A LOUISE WEINFELD, AS  
TRUSTEE FOR ALAN AND ADRIANA WEINFELD,  
AND PHYLLIS A. TERRY

### **THIRD-PARTY DEFENDANTS' RESPONSE TO INITIAL DISCLOSURES**

A. The name and, if known, the address and telephone number of each individual likely to have discoverable information, along with the subject of that information, that the disclosing party may use to support its claim or defenses, unless the use would be solely for impeachment.

#### **DISCLOSURE:**

1. Compass Bank  
**Plaintiff**
2. Walter C. Keller Distributor, Inc.  
**Defendants, Third-Party Plaintiffs**
3. Tom Yates Petroleum Co., Inc.  
**Defendants, Third-Party Plaintiffs**
4. Exxon Mobil Corporation  
**Third-Party Defendants**
5. Flat Rock Land, L.L.C.  
**Third-Party Defendants**
6. Benjamin M. Alexander  
**Third-Party Defendants**
7. Maureen M. Alexander, M.D.  
**Third-Party Defendants**
8. Rosalind M. Alexander  
**Third-Party Defendants**
9. Centro Laredo, Ltd.,  
**Third-Party Defendants**
10. Gail A. Davis  
**Third-Party Defendants**
11. GML Centro, LLC  
**Third-Party Defendants**
12. Jessman Properties, Ltd.  
**Third-Party Defendants**
13. Louise A. Mandel F/K/A Louise Weinfeld, as Trustee For Alan and Adrianna Weinfeld  
**Third-Party Defendants**

14. Phyllis A. Terry  
**Third-Party Defendants**
15. Greyhound Lines, Inc.  
**Third-Party Defendants**
16. Peter Randolph Properties, LLC  
**Third-Party Defendants**
17. Slaughter Realty Company  
**Third-Party Defendants**
18. Joseph Slaughter, III  
**Third-Party Defendants**
19. Americanos USA, LLC  
**Third-Party Defendants**
20. Raul Properties, Ltd.  
**Third-Party Defendants**
21. Victoria Investment Properties, Inc.  
**Third-Party Defendants**
22. Archangelos, Inc.  
**Third-Party Defendants**
23. City of Laredo  
**Third-Party Defendants**
24. Ramiro Ramirez, III & Irma Ramirez  
c/o Law Offices of Albert M. Gutierrez, P.C.  
San Antonio, Texas 78209  
(210) 225-2299  
**Third-Party Defendants**
25. H.E. Butt Grocery Company  
**Third-Party Defendants**

26. Jason J. L. Smith  
Environmental Geologist  
Raba-Kistner Consultants, Inc.  
8100 Cameron Road, Ste. B-150  
Austin, Texas 78754-3812  
(512)-339-1745  
**Prepared report documenting results of Phase II Environmental Site Assessment (ESA-II) conducted at the subject property located at 920 Matamoros Street, Laredo, Webb County, Texas.**

27. Richard V. Klar, P.G.  
Associate  
Raba-Kistner Consultants, Inc.  
8100 Cameron Road, Ste. B-150  
Austin, Texas 78754-3812  
(512)-339-1745  
**Prepared report documenting results of Phase II Environmental Site Assessment (ESA-II) conducted at the subject property located at 920 Matamoros Street, Laredo, Webb County, Texas.**

28. Dan Finnegan  
Geologist  
Matrix Environmental Sciences, Inc.  
Laredo, Texas 78041  
Office: 956-791-7088  
**Did clean up at the Shell gas station for contamination that occurred or existed in the past. Works for Tom Yates.**

29. Lee Garrett, PG  
Terracon Consultants, Inc.  
6911 Blanco Road  
San Antonio, Texas 78216  
**Has knowledge or information that gasoline or any other petrochemical substance is or has leaked from the HEB Property.**

30. Joe A. Lambert  
Environmental Department Manager  
Terracon Consultants, Inc.  
6911 Blanco Road  
San Antonio, Texas 78216  
**Has knowledge or information that gasoline or any other petrochemical substance is or has leaked from the HEB Property.**

31. Harold (Howard) Ruhlman  
General Manager  
Tom Yates Petroleum Co., Inc.  
P.O. Box 1768  
Laredo, Texas 78044  
(956) 722-7866  
**Has knowledge or information that gasoline or any other petrochemical substance is or has leaked from the Flat Rock Property.**
32. Sonia Ortiz  
Former Secretary, Officer Manager  
Tom Yates Petroleum Co., Inc.  
P.O. Box 1768  
Laredo, Texas 78044  
(956) 722-7866  
**Has knowledge or information that gasoline or any other petrochemical substance is or has leaked from the Flat Rock Property.**
33. Samuel Noble  
**Expert for Yates who prepared Appraisal Report.**
34. International Bank of Commerce  
1200 San Bernardo Ave.  
Laredo, Texas 78040-6301  
**Current owner of 920 Matamoros Street, Laredo, Webb County, Texas.**
35. Veronica Puig  
Puig Management and Rentals LLC  
1815 San Bernardo Ave., Suite 2  
Laredo, Texas 78040  
956-722-2307  
**Manages the property located at 802 San Bernardo.**
36. Lan Ngoc Quach  
China Border  
802 San Bernardo  
Laredo, Texas 78040  
956-725-8888  
**Current tenant at 802 San Bernardo.**
37. Alvaro Alvarez  
Red Fox Taxi  
802 San Bernardo  
Laredo, Texas 78040  
956-724-6669  
**Current tenant at 802 San Bernardo.**

38. Sarah P. Santos  
Corporate Counsel, BBVA Compass  
700 San Bernardo Ave.  
Laredo, Texas 78040  
Telephone 956-794-8071  
**Familiar with the trust department files at Laredo National Bank nka BBVA Compass.**

39. Joaquin Romero, Jr.  
Wealth Management Group  
BBVA Compass  
700 San Bernardo Ave.  
Laredo, Texas 78040  
Telephone: 956-794-1336  
**Familiar with the trust department files at Laredo National Bank nka BBVA Compass.**

B. A copy, or description by category and location, of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

**DISCLOSURE:**

1. Documents related to formation of the corporate Third Party Defendants, including, but not limited to, copies of corporate documents, correspondence and facsimiles.
2. Documents related to leases for the property owned by Third Party Defendants and located at 802 San Bernardo, Laredo, Texas.
3. Documents related to the ownership history of the property located at 802 San Bernardo, Laredo, Texas.
4. Documents related to accounting for rents received from the property located at 802 San Bernardo, Laredo, Texas.
5. Documents related to the underground storage tanks located on 802 San Bernardo, Laredo, Texas.

All of the aforesaid documents are located at Harberg Huvard Jacobs Wadler, LLP, 2100 West Loop South, Suite 1100, Houston, Texas 77027.

C. A computation of each category of damages claimed by the disclosing party, who must also make available for inspection and copying as under Rule 34, the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

**DISCLOSURE:**

Third Party Defendants do not currently claim any damages in relation to this action.

D. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**DISCLOSURE:**

Third Party Defendants, at this time, are not aware of any insurance agreement under which any persons carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in favor of Plaintiff or Third Party Plaintiffs or to indemnify or reimburse Third Party Defendants for payments to satisfy the judgment.

## CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served on the following attorney of records, on this the 4<sup>th</sup> day of March 2011.

Attorneys Representing Defendant and Third-Party Plaintiff (Walter C. Keller Distributor, Inc.):

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and

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Laredo, Texas 78045

Via E-Mail: [kkendall@thealvarezlawfirm.com](mailto:kkendall@thealvarezlawfirm.com)

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and

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and

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Attorney Representing Third-Party Defendant (Archangelos, Inc.):

Attorney Representing Third-Party Defendant (City of Laredo):

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/s/ Mark A. Huvard

Mark A. Huvard